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December 19, 2022

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MEMORANDUM ENDORSED

Via ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al.*,
No. 1:22-cv-10185-GHW-GWG (S.D.N.Y.)

Dear Judge Gorenstein:

I represent Defendant Canaccord Genuity LLC (“Canaccord”) in the above-captioned action. I write on behalf of Defendants Canaccord, Citadel Securities LLC (“Citadel”), G1 Execution Services LLC (“G1”), GTS Securities LLC (“GTS”), Instinet LLC (“Instinet”), Lime Trading Corp. (“Lime”), Susquehanna International Group, LLP (“Susquehanna”), and Virtu Americas LLC (“Virtu”) (collectively, the “Defendants”) pursuant to the Court’s Individual Rules of Practice to request an adjournment of all Defendants’ deadlines to answer, move, or otherwise respond to the Complaint in above-captioned action.

Plaintiff has filed affidavits of service indicating that it effected service of the Complaint upon Lime, GTS, Canaccord, and Virtu on December 5, 2022, such that those defendants’ deadline to answer, move, or otherwise respond to the Complaint is December 27, 2022. (ECF Nos. 28–31.) Plaintiff also filed an affidavit of service indicating that it effected service of the Complaint upon Susquehanna on December 6, 2022. (ECF No. 37.) At this time, however, Plaintiff has not filed affidavits of service for the remaining three defendants, Citadel, G1, and Instinet. Accordingly, Defendants appear to have an array of varying deadlines by which to respond to the Complaint, with some deadlines that may not be set yet.

In the interest of efficiency and judicial economy, Defendants request an entry of the below proposed schedule for pre-motion letters, pursuant to Rule 2.A. of the Court’s Individual Rules of Practice, and for the subsequently contemplated motions to dismiss.

1. The deadline to answer, move, or otherwise respond to the Complaint is adjourned pending service of the Complaint on all Defendants.

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2. Plaintiff shall file all affidavits of service by January 6, 2023.
3. Defendants shall file pre-motion letters, if any, by January 13, 2023. Plaintiff shall file its response thereto, if any, by January 20, 2023.
4. If the Court permits Defendants to file motions to dismiss, Defendants shall file their motions to dismiss within 45 days of the Court's decision.
 - a. Plaintiff shall file its opposition to Defendants' motions to dismiss within 45 days of Defendants' motions to dismiss.
 - b. Defendants shall file their replies within 30 days of Plaintiff's opposition.
5. If the Court denies Defendants' requests to file motions to dismiss, Defendants shall file their answers within 45 days of the Court's decision.

Counsel for Plaintiff has consented to this request. In making this request, the Defendants do not intend to waive any defenses available to them in the case, including without limitation on grounds of lack of personal jurisdiction.

We thank the Court for considering this request.

Respectfully submitted,

/s/ Anthony S. Fiotto
Anthony S. Fiotto

Application granted in part. Plaintiff shall file all affidavits of service by January 6, 2023. The time for a served defendant to respond to the complaint is extended to January 13, 2023, or the date provided in Fed. R. Civ. P. 12(a)(1)(A), whichever is later for that defendant. A defendant planning to move to dismiss may satisfy its obligation to respond by filing a letter on the date required for its response that requests permission to file such a motion. In any such letter, the defendant may propose a briefing schedule. Plaintiff shall respond to any letter requesting permission to file a motion to dismiss within 7 days thereafter. If a request for permission to file a motion to dismiss is denied for any defendant, that defendant's answer shall be due 45 days after the denial.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

December 20, 2022